

PIN THE SUPREME COURT OF THE STATE OF DELAWARE

IVIZE OF MILWAUKEE, LLC, a	§	
Delaware Limited Liability Company,	§	No. 456, 2009
and IVIZE OF KANSAS CITY, LLC,	§	
a Delaware Limited Liability	§	Court Below—Court of
Company,	§	Chancery of the State of
	§	Delaware
Plaintiffs Below,	§	
Appellants,	§	
	§	
v.	§	
	§	
COMPEX LITIGATION SUPPORT,	§	
LLC, a Delaware Limited Liability	§	
Company, and COMPEX LEGAL	§	
SERVICES, INC., a Delaware	§	
Corporation,	§	
	§	
Defendants Below,	§	C.A. Nos. 3158 and 3406
Appellees.	§	

Submitted: October 30, 2009
Decided: November 6, 2009

ORDER

This 6th day of November 2009, it appears to the Court that:

(1) On August 10, 2009, Ivize of Milwaukee, LLC, and Ivize of Kansas City, LLC (collectively “Ivize”), through counsel, filed a notice of appeal from a final order of the Court of Chancery in breach of contract actions that were tried together. By Order dated September 23, 2009, Ivize’s counsel was granted leave to withdraw.

(2) By letter dated September 23, 2009, the Clerk of this Court informed Ivize's representatives, Michael L. Rogers and Jonathan K. Cignetti, that a corporation must be represented by counsel in proceedings before the Court.¹ The Clerk instructed Rogers and Cignetti to have counsel enter an appearance on behalf of Ivize on or before October 6, 2009 in default of which a notice to show cause would issue.² Neither Rogers nor Cignetti responded to the Clerk's letter.

(3) On October 9, 2009, the Clerk issued a notice directing that Rogers and Cignetti show cause why this appeal should not be dismissed for their failure to have counsel enter an appearance on behalf of Ivize. Neither Rogers nor Cignetti filed a response to the notice to show cause, and counsel has not entered an appearance on Ivize. Rogers' and Cignetti's failure to respond to the Clerk's notice to show cause is deemed to be their consent to the dismissal of this appeal.³

NOW, THEREFORE, IT IS HEREBY ORDERED that this appeal is DISMISSED pursuant to Supreme Court Rules 3(b)(2) and 29(b).

BY THE COURT:

/s/ Jack B. Jacobs
Justice

¹ *Transpolymer Indus., Inc. v. Chapel Main Corp.*, 1990 WL 168276 (Del. Supr.).

² Del. Supr. Ct. R. 29(b).

³ Del. Supr. Ct. R. 3(b)(2)(b).